IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

WRIT PETITION NO. 3150 OF 2006

M/s. Morarjee Realties Ltd. ... Petitioner.

V/s.

Kailas Totaram Bhilwara Pawar
& Ors. ... Respondents.

....

Mr. S.M. Naik for the Petitioner.

Mr. S.N. Deshpande for Respondent Nos.1,2,5,7,8,11,13 to 17.

.....

CORAM : DR. D.Y.CHANDRACHUD,J.

20TH DECEMBER, 2006.

P.C. :

1. A Revision Application was filed before the Industrial Court against an interim order passed by the Labour Court on 10th May 2006 in a batch of applications filed under the Bombay Industrial Relations Act, 1946. The interim order of the Labour Court dated 10th May 2006 was to the following effect :-

"(i) The opponents are ordered to deposit monthly wages of the applicant from 1.3.2006 till 30.4.2006

and hereafter regularly monthly wages before 10th of the next month till the disposal of main application or till the age of retirement on superannuation of the applicant whichever is earlier.

(ii) The opponents are allowed to provide alternate jobs to the applicant instead of deposit of wages and do pay wages for the work done by the applicant, and the issue relating to continuity of service and other reliefs if any will be considered at the time of final determination of the application.

(iii) The applicants are at liberty to request court for withdrawal of wages after six months in case the applications are not decided within six months.

(iv) Copy of the said order be kept in Application (BIR) No.17 of 2006 to 32 of 2006."

2. During the pendency of the Revision Application the Industrial Court passed an order on

19th July 2006 granting an ad-interim stay subject to the condition that the Petitioner herein shall deposit an amount of Rs.4.75 lacs being the wages for the period from March 2006 to June 2006 The Petitioner made a statement before the Industrial Court that it was ready and willing to do so. The amount was deposited.

3. One Revision Application has been filed by the Petitioner against the common judgment and order of the Labour Court dated 10th May 2006 in a group of BIR applications. When the Revision Application came up for final hearing, the Industrial Court held that since the facts relating to each application were separate and independent, a common Revision Application was not competent. The Revision Application was dismissed on this ground alone.

4. At the hearing of the Petition, I had suggested to Counsel that instead of the parties being involved in a long drawn out litigation at the interlocutory stage, it would be in the interests of justice that the B.I.R. applications

which are pending before the Labour Court be disposed of finally, on merits. In the meantime, it was suggested that the Petitioner may deposit the wages upto date until 31st December 2006. The suggestion was fairly accepted by Counsel appearing for the management of the workmen.

4. Hence by consent, the following order is passed :-

(i) The Petitioner shall, in addition to the amount of Rs.4.75 lacs which has been deposited before the Labour Court, deposit upto date wages for the period upto 31st December 2006 before the Labour Court within a period of 4 weeks from today;

(ii) Conditional on the aforesaid deposit, the order of the Labour Court dated 10th May 2006, shall continue to remain stayed during the pendency of the B.I.R. applications;

(iii) The Labour Court shall endeavour to dispose of the B.I.R. applications (Applications 16 to 32 of 2006) on or before 30th April 2007. In

the event that the dispute in any of the aforesaid applications is settled in the meantime, it would be open to parties to take necessary steps in that regard before the Lower Court;

(iv) In the event that the applications are not disposed of on or before 30th April 2007 owing to the exigencies of work, it would be open to the Respondents herein to apply before the Labour Court for an extension of the order of deposit and/or for such relief as advised;

(v) All the rights and contentions of the parties are kept open on merits.

(vi) In the circumstances, the impugned order of the Industrial Court dated 19th July 2006 in Revision Application No. 2 of 2006 is quashed and set aside.

5. The Petition is allowed in the aforesaid terms. No order as to costs.